

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Legislature Department

Notification

LA/A/7/1013/71

The following Act passed by the Legislative Assembly of Goa, Daman and Diu received the Assent of the President of India on the 28th May, 1971 and is hereby published for general information.

THE GOA, DAMAN AND DIU APPROPRIATION ACT, 1971

(Act No. 5 of 1971) [28th May, 1971]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the services and purposes of the financial year 1971-72.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-second Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Goa, Daman and Diu Appropriation Act, 1971.

2. Issue of Rs. 28,18,53,000 out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the financial year 1971-72.—From and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu, there may be paid and applied sums not exceeding those specified in column 5 of the Schedule, amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the Goa, Daman and Diu Appropriation (Vote on Account) Bill, 1971 (Bill No. 7 of 1971)] to the sum of twenty eight crores, eighteen lakhs and fifty three thousand rupees, towards defraying the several charges which will arise for payment during the financial year 1971-72 in respect of the services and purposes specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said financial year.

THE SCHEDULE (See Sections 2 & 3)

No. of vote	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund	Total
1	2	3	4	5
		Rs.	Rs.	Rs.
1.	Land Revenue ...	6,25,000	—	6,25,000
2.	State Excise Duties	10,75,000	—	10,75,000
3.	Taxes on Vehicles ...	3,70,000	—	3,70,000
4.	Sales Tax ...	4,23,000	—	4,23,000
5.	Other Taxes and Duties ...	2,10,000	—	2,10,000
6.	Stamps ...	30,000	—	30,000
7.	Registration Fees ...	5,10,000	—	5,10,000
—	Interest on Debt and Other Obligations	—	1,56,03,000	1,56,03,000
8.	Parliament and State /Union territory Legislature ...	7,05,700	43,100	7,48,800
9.	General Administration ...	56,00,00	2,02,000	58,02,000
10.	Administration of Justice ...	12,82,000	3,74,000	16,56,000
11.	Jails ...	6,25,000	—	6,25,000
12.	Police ...	81,00,000	—	81,00,000
13.	Miscellaneous Departments ...	8,70,000	—	8,70,000
14.	Scientific and Education Departments ...	3,15,40,000	—	3,15,40,000
15.	Medical and Public Health Services ...	2,28,89,000	—	2,28,89,000
16.	Agriculture, Forest and Animal Husbandry ...	92,47,500	—	92,47,500
17.	Cooperation and Community Development ...	17,60,600	—	17,60,600
18.	Industries and Labour ...	14,18,600	—	14,18,600
19.	Miscellaneous Social and Developmental Organisations ...	40,47,800	—	40,47,800
20.	Irrigation, Navigation, Embankment and Drainage Works and Electricity Schemes ...	1,48,77,000	—	1,48,77,000
21.	Public Works ...	1,59,85,000	—	1,59,85,000
22.	Road and Transport Schemes (including Ports and Pilotage) ...	32,87,700	—	32,87,700
23.	Pensions and Other Retirement Benefits ...	33,50,000	—	33,50,000
24.	Stationery and Printing ...	23,00,000	—	23,00,000

1	2	3	4	5
		Rs.	Rs.	Rs.
25. Miscellaneous (including Miscellaneous Compensations and Assignments)	62,37,000		62,37,000
26. Capital Outlay on Improvement of Public Health ...	1,28,00,000	—		1,28,00,000
27. Capital Outlay on Schemes of Agricultural Improvement and Research ...	59,10,000	—		59,10,000
28. Capital Outlay on Industrial and Economic Development ...	26,63,300	—		26,63,300
29. Capital Outlay on Irrigation and Electricity Schemes ...	2,21,65,000	—		2,21,65,000
30. Capital Outlay on Public Works ...	1,88,69,200	—		1,88,69,200
31. Capital Outlay on Other Works ...	30,93,000	—		30,93,000
32. Capital Outlay on Road and Transport Schemes (including Ports)	30,00,000	—		30,00,000
33. Capital Outlay on Forests ...	12,31,000	—		12,31,000
34. Capital Outlay on Schemes of Government Trading	4,31,90,800	—		4,31,90,800
— Public Debt ...	—	91,36,000		91,36,000
35. Loans and Advances	62,06,700	—		62,06,700
GRAND TOTAL...	25,64,94,900	2,53,58,100		28,18,53,000

Secretariat

Panaji,

8th June, 1971.

O. P. GARG

Secretary to the Govt. of
Goa, Daman and Diu

Local Self Government Department

Notification

3-106-71-LSG

In exercise of the powers conferred by sub-section (1) of section 308 read with sub-section (1) of section 182 of the Goa, Daman and Diu Municipalities Act, 1968 (No. 7 of 1969) and all other powers enabling it in that behalf, the Lt. Governor of Goa, Daman and Diu hereby makes the following Model Bye-laws and publish the same for the guidance of the Municipal Councils.

Short title.— These Bye-laws may be called the Sale of articles in Public Streets Bye-Laws, 1971.

Bye-Law 1. No person shall hawk or sell or expose for sale in the Municipal Area any article in any public street or public place unless he obtains a licence from the Chief Officer in the Form annexed hereto. He shall observe the conditions of the licence.

Bye-Law 2. The licence shall be effective for one calendar month and shall be renewed from month to month. The fees for the licence shall be Rs. ...

Bye-Law 3. The conditions subject to which such a licence may be granted shall be as follows in the case of a licence for a squatter or a hawker keeping a stationary hand-cart or a mobile hand-cart:—

(a) The licensee shall not cause any nuisance or obstruction to traffic on any street or foot-path.

(b) He shall not expose for sale any article not included in the licence.

(c) The licensee shall not ring any bell or use any mechanical or other contrivance to direct the attention of the customers.

(d) The licensee shall observe the utmost cleanliness in selling his articles.

(e) The Municipal Health Officer/Health Officer or subordinate duly authorised by him in this behalf shall have the power to destroy any article exposed or offered for sale which, in his opinion, are unwholesome.

(f) The licence shall be effective only for the calendar month in which it is issued and not for the one month from the date of issue.

(g) The licence is not transferable.

(h) The licence is liable to be revoked if the licensee or any servant accompanying is found to be suffering from any dangerous or infectious diseases.

(i) The licence shall always be carried by the licensee and produced on demand, for the inspection of the Municipal Health Officer/Health Officer/Chief Officer or any subordinate duly authorised by him.

(j) The Chief Officer may at any time revoke or cancel if in his opinion, the licensee has infringed any of the conditions of the licence and in such a case, the licensee shall not be entitled to claim any refund or fees or any damages whatsoever.

(k) The licence fees shall be paid in advance.

SPECIAL CONDITIONS FOR THE LICENCE OF A SQUATTER OR A HAWKER KEEPING A STATIONARY HAND-CART.

(l) The licence shall be valid for the area to be allotted by the licensee and entered in the licence.

(m) The licensee shall not squat or expose articles for sale except in the space allotted to him, and entered in the licence.

(n) The licensee shall vacate the area entered in the licence within 48 hours if it is required for repair, reconstruction or other municipal purpose. The licensee will, if possible, be accommodated elsewhere but it will not be incumbent on the Chief Officer to do so and the fee already paid will not be refunded.

(o) The licensee shall give every facility to municipal employee to clean the area allotted to him.

(p) The licensee shall not erect any structure in order to protect any roof over the area allot-

ted to him provided, further, that he may use a movable platform not less than centimetres and not more than ... centimetres in height; but he may have an overhead cover cloth, gunny or canvass as a temporary shelter against the sun or rain so as to cause no nuisance and to give rise to complaints.

(q) If after issue of the licence the area occupied by the licensee in any month is found to have been exceeded, an additional fee will be payable according to the additional area occupied by him.

SPECIAL ADDITIONAL CONDITIONS FOR A HAWKER KEEPING A MOBILE HAND-CART.

(r) The licensee shall keep his hand-cart reasonably on the move and shall not cause any nuisance or obstruction to the public traffic either on street or footpath.

... Municipal Council

Licence No. ...

(Squatter or a Hawker keeping a stationary hand-cart)

(Hawker's licence under section 182 of the Goa, Daman and Diu Municipalities Act, 1968, for the sale of articles.

Name of the licensee:

Address of the licensee:

This licence is granted subject to the conditions mentioned on the reverse.

Licence for the month of ... 19 ... The area to be occupied by the licensee shall ... sq. metres situated at ... Or in the case of hand-cart the area to be occupied by the licensee to keep his hand-cart shall not exceed ... metres in length and ... metres in width.

The articles for which the licence has been granted are as follows, namely: —

If the licence is to be renewed, the application for such renewal shall be made before the 25th day of the month at the end of which it expires.

Date:

Chief Officer,

... Municipal Council

(The reverse page of the licence)

The conditions of the licence

(Here print clauses (a) to (k) and (l) to (q) of Bye-Law 3 applicable to both squatter as well as to a hawker keeping a stationary hand-cart.).

... Municipal Council

Licence No. ...

(Mobile Hand-cart)

(Hawker's licence under section 182 of the Goa, Daman and Diu Municipalities, Act, 1968 for the sale of the articles).

Name of the licensee

Address of the licensee:

This licence is granted subject to the conditions on the reverse.

Licence for the month of ... 19 ...

This licence is valid for the following areas within the area of the ... Municipal Council.

The articles for which the licence has been granted are as follows: —

The hand-cart to be kept by the licensee shall not exceed ... metres in length and ... metres in width.

If the licence is to be renewed, the application for such renewal shall be made before the 25th day of the month at the end of which it expires.

Date:

Chief Officer,

... Municipal Council

(The reverse page of the licence)

The conditions of the licence.

(Here print clauses (a) to (k) and clause (r) of Bye-Law 3.)

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

D. N. Barua, Secretary, Industries and Labour.
Panaji, 17th May, 1971.

Notification

1-138-71-LSG

In exercise of the powers conferred by sub-section (3) of section 1 of the Indian Fisheries (Goa, Daman and Diu Amendment No. 1), Act, 1970 (Act No. 11 of 1970) the Lieutenant Governor of Goa, Daman and Diu hereby appoints the 7th day of June, 1971, as the day from which the said Act shall come into force in the Union Territory of Goa, Daman and Diu.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

Dr. J. C. Almeida, Secretary (Revenue).

Panaji, 2nd June, 1971.

Notification

1-138-71-LSG

The following draft rules which the Government of Goa, Daman and Diu proposes to make under the Indian Fisheries Act, 1897 (Act 4 of 1897) as in force in the Union Territory of Goa, Daman and Diu are hereby published for general information. If any person has any suggestions or objections to make regarding the said draft the same may be sent to the Secretary to the Government, in the Revenue Department, Secretariat, Panaji, within 15 days of the publication of this notification, so that the same may be taken into consideration by the Government at the time of finalisation of the said draft.

DRAFT RULES

In exercise of the powers conferred by clause (d) of sub-section (3) of section 6 of the Indian Fisheries Act 1897 (4 of 1897) and all other powers enabling him in this behalf the Lt. Governor of Goa, Daman and Diu hereby makes as follows, the following rules: —

1. **Short title, extent and commencement.** — (1) These rules shall be called "The Goa, Daman and Diu Fisheries (Fishing Stakes) Rules, 1971".

(2) They shall extend to all waters, excluding private waters in the entire Territory of Goa, Daman and Diu and shall come into force from the date of their publication in the Official Gazette.

2. **For the purpose of these Rules: —**

(i) "Captain of Ports" means Captain of Ports of the Government of Goa, Daman and Diu;

(ii) "Director of Fisheries" means Director of Fisheries of the Government of Goa, Daman and Diu;

(iii) "Fishing Stake" or "stake" means a trap or other contrivance for catching fish, fixed in the soil or made stationary in any other way;

(iv) "Form" means a form appended to these rules;

(v) "Government" means Government of Goa, Daman and Diu;

(vi) "water" means a creek, river, canal stream or any water course or tank where fishing by means of stakes is possible, and includes, the sea within a distance of one marine league from the sea coast.

3. Permission for erecting stakes.— (1) No fishing stakes shall be fixed or erected on water beds except with the prior permission of the Director of Fisheries;

(2) The permission under sub-rule (1) shall be given by the Director of Fisheries in consultation with the Captain of Ports, and shall be subject to the conditions prescribed in Rule 4.

(3) The fishing stakes which are in operation on the date of the coming into force of these rules shall be treated as having been permitted under sub-rule (1).

4. Conditions for grant of permission.— (1) The permission to be granted under Rule 3 shall be subject to the following conditions, namely:—

(i) No obstruction is caused to the normal fishing activities, if any, which may usually be carried out in the locality;

(ii) The location is not within a distance of 500 metres from any existing set of stakes;

(iii) No obstruction is caused to navigation in the water on the location is not within the normal navigational channel of the water;

Provided that, where the navigational channel in the water is not clearly demarcated, the part of such water which is deeper or otherwise convenient for navigation, shall be deemed to be the navigational channel.

(iv) The location is not within the waters reserved or traditionally used for anchorage of crafts and boats;

(v) No formation of sand or silt deposits is caused; and

(vi) Such technical requirements as the Director of Fisheries or the Captain of Ports may from time to time determine are complied with.

5. Procedure for obtaining permission to erect fishing stakes.— (1) A person intending to obtain permission for erecting fishing stakes in any water shall make an application to the Director of Fisheries in form 'A' and shall deposit with him an amount of Rupees three hundred to meet the expenses of advertisement of the notices to be issued under sub-rule (3).

(2) On receipt of such application and deposit the Director of Fisheries shall specify himself in consultation with the Captain of Ports whether the loca-

tion of the fishing stakes proposed to be erected by the applicant prima-facie conforms to the conditions prescribed in rule 4.

(3) Thereafter the Director of Fisheries shall publish a notice in Form 'B' in at least three local newspapers calling for objection if any from the members of the public to the proposed grant of permission for erecting the proposed fishing stakes, within 15 days from the date of the publication of the notification in the newspapers.

(4) After considering the objections, if any, received within the prescribed period and after holding such further enquiry as he deems necessary, the Director of Fisheries shall decide whether the permission for erecting of fishing stakes should be granted or rejected.

(5) Where the Director of Fisheries decide to grant permission the same shall be granted in form 'C' to the persons who had applied for such permission, on payment of a fee of Rs. 5/-.

(6) On receipt of the permission under sub-rule (5) the recipient of the permission shall erect the stakes in accordance with the conditions subject to which the permission has been granted within a period of one month or such further period as may be specified by the Director of Fisheries.

(7) If the stakes are not erected within the prescribed period the permission shall be deemed to have lapsed and the Director of Fisheries shall be free to permit any other person to erect the stakes in accordance with these rules.

(8) The Director of Fisheries shall refund to the applicant the balance, if any, from the amount of deposit paid under sub-rule (1) after meeting therefrom the expenses incurred by him for publication of the notice under sub-rule (3).

(9) Once the stakes are granted, they shall become the property of the Government and no person shall remove, disturb or in any way damage the same.

6. Grant of lease of right of fishing by means of stakes.— (1) The lease or the right of fishing at the stakes erected under the permission duly granted or deemed to have been granted under rule 3 shall be given for a period not exceeding 3 years by holding public auction;

Provided that where a Cooperative Society whose members are all persons who personally carry out the various operations of fishing at the stakes, applies for the lease of such fishing rights permission may be granted without holding a public auction.

(2) For the purpose of holding public auction under sub-rule (1) the Director of Fisheries shall issue a public notice in the Official Gazette as well as in local newspapers giving therein the following particulars:

- (a) location and size of stakes;
- (b) the upset annual rent;
- (c) the period for which the fishing right is being auctioned;
- (d) the fact whether the auction is being held for the first time after the erection of the stakes; and if so, the expenses on advertise-

ment paid under sub-rule (8) of rule 5 by the person who erected the stakes;

- (e) the place, the time and the date of holding the auction.

(3) Where the auction of fishing right is held for the first time after the erection of fishing stakes, the persons who erected the stakes, should be issued an individual notice inviting his attention to the public notice, a copy of which should be appended to the notice, and he should be called upon to remain present at the auction either personally or through an authorised agent.

(4) On the date and time fixed for auction, the Director of Fisheries or any officer designated by him in this behalf shall hold the public auction and shall record in writing the proceedings of the auction.

(5) Where the auction of fishing right is held for the first time after the erection of the stakes and where the person who erected the stakes is present at the time of auction and is not the highest bidder, the officer holding the auction shall first call upon such person, to state whether he is willing to take the lease of the fishing right at the highest bid and if so, to call upon him to deposit immediately one-third of the amount of the highest bid with the officer conducting the auction. If such person is not willing to take the lease or fails to make a deposit as aforesaid, the highest bidder should be called upon to make a deposit as aforesaid and also of the amount specified in sub-rule (2) (d).

(6) If the highest bid offered is more than the upset annual rent, the auction proceedings shall be confirmed by the Director of Fisheries and thereupon the lease of the right of fishing at the stakes shall be granted to the highest bidder or as the case may be, to the person who erected the stakes, for the period for which the auction has been held and the amount specified in sub-rule (2) (d), if required to be deposited by the highest bidder under sub-rule (5) shall be paid to the person who erected the stakes.

(7) Where a Cooperative Society referred to in the proviso to sub-rule (1) applies for the grant of lease of fishing stakes the Director of Fisheries shall, after making such enquiries as he may deem necessary, grant the fishing right for a period not exceeding 3 years to such Society on a rent which shall be the average of the rent obtained for the stake during a period of 6 years immediately preceding.

Provided that before such lease is granted, the Society shall be required to deposit with the Director of Fisheries an amount to one-third of the rent.

Provided further that where the lease of the fishing right at the stakes is being given for the first time after the erection of the stakes and where the person erecting the stakes is other than such Society, the Society shall be required to pay to the person who erected the stakes the expenses of advertisement paid by him under sub-rule (8) of rule 5.

7. Manner of payment of annual rent.—(1) The annual rent payable by a person or a Cooperative Society to whom right of fishing at the fishing

stakes has been granted under rule 6 shall be paid as follows:

- (a) The amount deposited under sub-rule (5) of rule 6 shall be the first instalment of the annual rent payable for the first year of the lease of the fishing rights.
(b) The subsequent instalments shall be paid on or before such dates as may be fixed by the Director of Fisheries.

(2) If any instalment is not paid within the prescribed period the defaulter shall be liable to pay interest at the rate of 6% per annum on the amount of the instalments due from him for the period of delay.

(3) Where a person is in arrears of two instalments the right of fishing given to him shall stand cancelled and the Director of Fisheries shall again auction the fishing rights in respect of the stakes allotted to such defaulter.

8. Forfeiture of stakes, nets, etc.—If any stakes are erected in contravention of the provisions of these rules, or if fishing is done at the stakes in contravention of the lease of fishing rights or after the expiry of the period of the lease of the fishing rights or after the cancellation of the lease of such rights, the Director of Fisheries or any officer designated by him in this behalf shall be empowered to forfeit to Government the stakes, fishing nets, or any other fishing gear found to have been used for the aforesaid acts and the person doing such acts shall be liable for the payment of fine as provided in rule 9.

9. Penalty.—Breach of any of these rules shall be punishable with fine which may extend to one hundred rupees and in the case of a continuing breach, with a further fine which may extend to ten rupees for every day after the date of first conviction, during which the breach is proved to have been persisted in.

10. Authority competent to impose fines.—The Director of Fisheries shall be competent to impose the fine prescribed in rule 9.

11. The arrears of instalments of lease rent as well as the amount of fine leviable under rule 9 if not paid on the dates fixed by the Director of Fisheries, shall be recovered as arrears of land revenue.

By order and in the name of the Administrator of Goa, Daman and Diu.

J. C. Almeida, Secretary (Revenue).

Panaji, 2nd June, 1971.

FORM 'A'

(Sub-Rule (1) of Rule 5)

To
The Director of Fisheries,
Government of Goa, Daman and Diu,
Panaji.

I, ... (full name), resident of ... of ... (taluka) hereby apply for permission to erect ... (number of stakes at ... (approximate location)). To the best of my knowledge the erection of the fishing stakes applied for above conform

to the conditions mentioned in Rule 4 of the Goa, Daman and Diu Fisheries (Fishing Stakes) Rules, 1971.

I am also depositing on this date an amount of Rupees three hundred as required under rule (1) of Rule 5 of the said Fisheries Rules.

Yours faithfully,

...
(Signature of the applicant)

My address is as under:

... (Full name)

... (Village) ... (taluka)

Post ... (nearest Post Office) ... (District)

FORM B

(Sub-Rule (3) of Rule 5)

Notice

Notice is hereby given that Shri ... resident of ... has applied for grant of permission to erect ... (number) fishing stakes at ... (exact location). Any person directly interested in the above may within 15 days from the date of publication of this notice send his/her objections, if any either in

respect of locality or of the grant of permission to the said applicant, to the Director of Fisheries, Panaji.

Panaji,

Dated:

...

(Signature)

Director of Fisheries.

FORM C

(Sub-Rule (5) of Rule 5)

Permission for erecting fishing stakes

Permission is hereby granted to Shri ... resident of ... for erecting ... (number) fishing stakes at ... (exact location). Shri ... has paid Rs. 5/- (Rupees five only) as fee for the grant of this permission as required under sub-rule (5) of Rule 5 of the Goa, Daman and Diu Fisheries (Fishing Stakes) Rules, 1971.

Panaji,

Dated:

...

(Signature)

Director of Fisheries.